

**ARKANSAS PROFESSIONAL BAIL BOND COMPANY AND PROFESSIONAL
BAIL BONDSMAN LICENSING BOARD**

September 9, 2005

Chairman Don Smith called the meeting to order at 9:00 a.m.

Roll call was taken. The following members were present: Rex Morris, Frank Sturgeon, Don Smith, Eugene Reynolds, Phyllis Carruth, Lynn Williams and Marc Oudin. Also present were Assistant Attorney General Chilesa Ready. Executive Director, Tommy Reed, Board staff and members of the audience.

Following a review of the Board Minutes for August 12, 2005 and the special meeting held August 26, 2005 Mr. Oudin moved to approve the minutes as presented. Mr. Sturgeon seconded. The motion carried on voice vote with none opposed.

OLD BUSINESS

Transfers/Suspensions/Reinstatements:

A report was provided for information purposes: Three (3) transfer requests were submitted and approved during the month. There were seven (7) agent suspensions due to termination or suspension by the company. Chairman Smith invited comment or discussion. There was none and the Board proceeded.

Forfeitures - Open:

The Open Forfeiture Report was presented. The Chair invited comment or discussion. Ms. Carruth inquired whether Mr. Reed had received the newspaper article she sent regarding a bond forfeiture in her community. Mr. Reed assured her he had received the article and appreciated her sending it. There being no further discussion, the Chair called for motions. Mr. Oudin moved to suspend those licensees whose forfeitures were not timely paid between September 9, 2005 and October 14, 2005. Mrs. Carruth seconded. The motion was put to a voice vote and carried with all in favor.

Past Due Forfeitures:

The Past Due Forfeiture Report was presented for review. Chairman Smith invited questions, comments or discussion. It was noted by Mr. Reed that several of the past due forfeitures that have been on appeal may very well have been dismissed. A procedure to send back these claims needs to be put in place for the courts to verify the dismissal so we can remove them from our records. There were no further comments and the Board proceeded.

Adoption of Rules and Regulations:

The Executive Director presented the proposed rule changes by section. Public comments were invited for each section as it was presented. After consideration of such comments, motions were received and seconded in order and the proposed changes to Rule and Regulation 1 and Rule and Regulation 2, as amended, were adopted. A summary of the process is attached as Addendum 1. Upon completion of the adoption of the Rules and Regulations the Board proceeded to new business.

NEW BUSINESS

August Vouchers Paid & Financial Report:

Chairman Smith invited questions and/or discussion regarding the vouchers paid in August. There were no questions or comments and the Board proceeded.

License Approvals:

Four (4) bondsman license applications and two (2) tentative bondsman applications were submitted for Board approval. Mr. Williams moved to approve those applications as presented, pending receipt of necessary documentation. Mr. Sturgeon seconded. The Chair called for discussion or comments; hearing none, the matter was put to a vote. The motion carried with none opposed.

A.C.A. §17-19-208(b) – Interpretation of statute – Manuel Bail Bonds, Inc. request for review:

Mr. Reed summarized the course of action concerning the \$100,000 forfeiture judgment presented by Ouachita County on Manuel Bail Bonds, Inc. and advised that Manuel had requested the Board interpret the provisions of A.C.A. §17-19-208(b) concerning the proof of process that must be presented to the Board. Counsel for Manuel, Mr. Bill Lewellen, was present and presented his analysis of the statute and suggested that the Board must receive proof of service of the judgment pursuant to Rule 4 of the Arkansas Rules of Civil Procedure. After much discussion, the Board interpreted the statute as requiring that the Board must receive proof of service of the judgment on the licensee as prescribed by Rule 4 of the Arkansas Rules of Civil Procedure. A motion to require that clerks provide the Board proof of service of the judgment on the licensee as prescribed by Rule 4 of the Arkansas Rules of Civil Procedure was made by Mr. Sturgeon. Second by Mr. Williams. There was no further discussion and the motion was put to voice vote. The motion carried.

Board approval of intervention – Frawley v. Woods:

Mr. Reed advised the Board that Elizabeth Frawley had filed suit in Pulaski County Circuit Court against Stanley and Sue Wood and Liz and Stan Bail Bonds, Inc. asking that a receiver be appointed by the Court. Mr. Reed advised the Board that a complaint was being prepared concerning Liz and Stan Bail Bonds. Asst Atty General Chilesa Ready explained she was asking the Board to authorize her to intervene in the civil suit on behalf of the Board in order to make the Court aware the Regulatory agency has an interest in the Court's actions and to ensure that the Board be given notice of further pleadings or proceedings in the matter. Mr. Williams moved to authorize the Attorney General to intervene in the matter on behalf of the Board. Mr. Sturgeon seconded. Motion was approved on voice vote.

Request to purchase notebook computer:

Mr Reed explained the need for a notebook computer for use in the field by the investigator and requested the Board authorize the purchase. After discussion, Mr. Williams moved to authorize purchase of a notebook computer. Mr. Sturgeon seconded. The motion carried on voice vote.

Approval of Education Program – Bail Bond Financing, Inc.:

Bail Bond Financing, Inc. presented a continuing education program for approval by the Board. After discussion, Mr. Williams move to approve the continuing education program submitted by Bail Bond Financing, Inc. Mr. Sturgeon seconded. The motion carried on voice vote.

Public Comments:

Chairman Smith opened the floor for public comments. There was discussion of the effect of the Board's interpretation of A.C.A. §17-19-208(b) as to judgments already paid. There was discussion of the photo-id cards and

There were no further public comments and the meeting was adjourned.

Submitted for approval:

This 14th day of October, 2005, _____

Don Smith, Chairman

Adoption of Rules and Regulations Addendum 1

Rule 1 Regulation of the Bail Bond Business

Section 1. Purpose

Motion by Mr. Oudin to adopt as submitted. Seconded by Mr. Reynolds. Adopted on voice vote.

Section 3. Effective Date and Applicability

Motion by Mr. Oudin to adopt with effective date of October 1, 2005. Seconded by Mr. Sturgeon. Adopted on voice vote.

Section 4. Definitions

Motion by Mr. Williams to adopt as submitted. Seconded by Mr. Oudin. Adopted on voice vote.

Section 6. Qualifying Power of Attorney

Motion by Mr. Williams to adopt as submitted. Seconded by Mr. Oudin. Adopted on voice vote.

Section 7. Regular Power of Attorney Form

Motion by Mr. Williams to adopt as submitted. Seconded by Ms. Carruth. Adopted on voice vote.

Section 8. Company Codes

Motion by Mr. Williams to adopt as submitted. Seconded by Mr. Sturgeon. Adopted on voice vote.

Section 9 Quarterly Reports

Motion by Mr. Sturgeon to adopt as submitted. Seconded by Mr. Williams. Adopted on voice vote.

Section 10 Secured Bail Bonds

Written comments received from Ark. Professional Bail Association (APBA) concerning amendment of paragraphs (A), (B) and (E). Public comments offered by Gary Edwards, Pres. APBA, Tom Nickolich, Exit Bail Bonds. After discussion, motion by Mr. Williams to adopt paragraphs (A) and (B) as submitted. Seconded by Mr. Sturgeon. Adopted on voice vote. Motion by Ms. Carruth to adopt paragraphs (C) and (D) as submitted, and (E) as amended. Sturgeon seconded. Adopted on voice vote.

Section 11

Written comments received from APBA concerning amendment of paragraph (B). Public comments offered by tom Nickolich, Gary Edwards. Motion by Ms. Carruth to adopt paragraph (B) as submitted. Second by Sturgeon. Adopted on voice vote. Motion by Mr. Williams to adopt paragraphs (A), (C), (D) and (E). Adopted on voice vote.

Section 12

Motion by Mr. Oudin to adopt as submitted. Seconded by Mr. Reynolds. Adopted on voice vote

Section 13

Motion by Mr. Sturgeon to adopt as submitted. Second by Mr. Oudin. Adopted on voice vote.

Section 14

Motion by Mr. Williams to adopt as submitted. Second by Mr. Sturgeon. Adopted on voice vote.

Section 15

Motion by Mr. Oudin to adopt as submitted. Second by Mr. Sturgeon. Adopted on voice vote.

Section 16

Motion by Mr. Oudin to adopt as submitted. Second by Mr. Sturgeon. Adopted on voice vote.

Section 17

Motion by Ms. Carruth to adopt as submitted. Second by Mr. Williams. Adopted on voice vote.

Section 18

Motion by Ms. Carruth to adopt as submitted. Second by Mr. Williams. Adopted on voice vote.

Section 19

Written comments received from APBA concerning paragraph (B). Motion by Mr. Williams to adopt paragraph (A) as submitted. Second by Mr. Sturgeon. Adopted on voice vote. Motion by Mr. Oudin to adopt paragraph (B) as amended. Second by Mr. Reynolds. Adopted on voice vote.

Section 20

Written comments received from APBA concerning deletion of paragraph (B). Motion by Mr. Sturgeon to adopt paragraph (A) as submitted and to delete paragraph (B). Second by Mr. Williams. Adopted on voice vote.

Section 21

Motion by Mr. Sturgeon to adopt as submitted. Second by Mr. Reynolds. Adopted on voice vote.

Section 22

Motion by Mr. Sturgeon to adopt as submitted. Second by Mr. Williams. Adopted on voice vote.

Section 23

Motion by Mr. Williams to adopt as submitted. Second by Mr. Sturgeon. Adopted on voice vote.

Section 24

Motion by Mr. Sturgeon to adopt as submitted. Second by Ms. Carruth. Adopted on voice vote.

Section 25

Motion by Ms. Carruth to adopt as submitted. Second by Mr. Sturgeon. Adopted on voice vote.

Section 26

Motion by Mr. Sturgeon to adopt as submitted. Second by Mr. Williams. Adopted on voice vote.

Section 27

Motion by Ms. Carruth to adopt as submitted. Second by Mr. Williams. Adopted on voice vote.

Section 28

Motion by Mr. Sturgeon to adopt as submitted. Second by Mr. Reynolds. Adopted on voice vote.

Section 29

Motion by Mr. Oudin to adopt paragraph (A), (B) and (D) as submitted and paragraph (C) as amended. Second by Mr. Sturgeon. Adopted on voice vote.

Section 30

Motion by Mr. Oudin to adopt as submitted. Second by Mr. Sturgeon. Adopted on voice vote.

Section 31

Public comments offered by Asst. Atty General Chilesa Ready, Gary Edwards, and Ron Marshall, Affordable Bail Bonds, concerning paragraph (B) Motion by Mr. Williams to adopt paragraphs (A), (C), (D), (E), (F), (G), (H), (I), (J), (K), (L), (M), (N), (O), (P), as submitted and paragraph (B) as amended. Second by Mr. Sturgeon. Adopted on voice vote.

Sections 32-40

Motion by Mr. Williams to adopt Sections 32-37, 40 as submitted and Sections 38 & 39 as amended.
Second by Mr. Sturgeon. Adopted on voice vote.

Rule 2**Regulation of the Education Program****Sections 1-9**

Motion by Mr. Williams to adopt Section 1-3, 6-9 as submitted and Section 5 as amended. Second by Mr. Sturgeon. Adopted on voice vote.